

MEMO ENDORSED

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BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, N.Y. 10007

February 7, 2020

Re: Dan-Bunkering (America), Inc. v. Ardica
Construcciones, S.A. de C.V., et al.,
Index No. 1:17-cv-09873-KPF

Dear Judge Failla:

I respectfully request Your Honor to allow a one-court business day enlargement of time, or until the date of an endorsed order, in which Ardica may file its Rule 56.1 Counterstatement, a copy of which is appended as Exhibit A. I apologize, yet again, for any inconvenience that this late filing causes the Court and opposing counsel. Based on prior experience, I expect that opposing counsel will not consent to this application.

The attached Ardica's Counterstatement incorporates citations to the record, as required by Rule 56.1, which I inadvertently failed to comply with, in our original Rule 56.1 Statement, and it reproduces the paragraphs in Plaintiff's Statement which we challenge and to which we clarify our responses.

We thank Your Honor for your courtesies and consideration.

Respectfully submitted,

Ephraim Savitt

Ephraim Savitt
Oscar Herasme

*Counsel for Defendant
Ardica Construcciones*

Cc via ECF and email:
Max B. Chester, Esq.
Douglas Heffer, Esq.

Application GRANTED. The Court will accept Defendant
Ardica's late filing.

Dated: February 18, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE